

ORIGINAL

August 28 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
NO. DA 09-0322

PLAINS GRAINS LIMITED PARTNERSHIP, a Montana limited
partnership; et al.,

Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF CASCADE
COUNTY, the governing body of the County of Cascade, acting by and
through Peggy S. Beltrone, Lance Olson and Joe Briggs,

Appellees,

and

SOUTHERN MONTANA ELECTRIC GENERATION and
TRANSMISSION COOPERATIVE, INC.; the ESTATE OF DUANE
L. URQUHART; MARY URQUHART; SCOTT URQUHART; and
LINDA URQUHART,

Appellees/Cross-Appellants.

**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO SME'S MOTION TO DISMISS**

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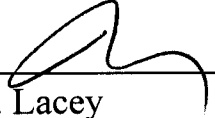
COME NOW Appellants (Plains Grains) and pursuant to the provisions of Rule 26(1), M.R.App.Civ.P., move the Court for an extension of time in which to respond to Southern Montana Electric Generation and Transmission Cooperative, Inc.'s (SME) Motion to Dismiss Appeal on Grounds of Mootness served on August 24, 2009. Pursuant to the provisions of Rule 16(2), M.R.App.Civ.P., Plains Grains has 11 days to file their response brief, meaning that Plains Grains must respond on or before September 4, 2009. Counsel for SME (Gary Zadick) has been contacted and does not oppose this motion.

Plains Grains' motion is made on the following grounds. Lead counsel for Plains Grains, Roger Sullivan, who is responsible for preparation of Plains Grains' briefs, is out of the office on vacation until September 1, 2009. Upon return he must prepare for and attend out of state depositions in another case. In addition, the issue raised in SME's motion to dismiss (mootness) will also be addressed in SME's brief in support of its cross-appeal which is due to be filed on September 14, 2009. Plains Grains proposes and requests that it be granted 15 days after the filing of SME's brief

in support of its cross-appeal, to and including September 29, 2009, to respond to SME's motion to dismiss, at which time Plains Grains also proposes to respond to SME's brief in support of its cross-appeal. Plains Grains notes that this is 15 days shorter than the 30 days otherwise allowed for a response to a cross-appeal. Plains Grains proposes to foreshorten its response time in the interest of expediting the determination of this appeal proceeding.

A proposed order is submitted herewith.

Respectfully submitted this 27th day of August, 2009.



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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2009, a true and correct copy of the foregoing document has been served via U.S. First Class Mail upon the following:

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